IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7459 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AMRUTKUMAR @ KUMAR ASHOKBHAI TAGHALANI (SINDHI)

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 7459 of 2002

MR HR PRAJAPATI for Petitioner No. 1

MR MR PRAJAPATI for Petitioner No. 1

MR V.M.PANCHOLI, AGP for Respondent No. 1-3

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 04/03/2003

ORAL JUDGEMENT

By filing this petition, the petitioner-detenu has challenged his detention order dated 20th July, 2002, by which he is detained under the Prevention of Antisocial Activities Act, (for short "the PASA" Act). Along with the order of detention he is also served with the ground of detention of the same date. In the said grounds, there is a reference about five pending criminal

cases against the petitioner under the provisions of the Bombay Prohibition Act. The detaining authority, after having been satisfied itself, that the activities of the petitioner are as such that he is required to be detained under the preventive detention, has, ultimately, passed the order of detention. The said order of detention is challenged by way of this petition.

2) At the time of hearing of this petition, the learned advocate for the petitioner pointed out that some of the copies served to the petitioner along with the detention order are not legible. The said averment is also made in the petition. Reference is made to the documents at pages No. 27, 39, 55, 61, 75, 76 and 102, as well as page No.148. These documents are absolutely illegible and extremely faint. As such, this is not in dispute. Considering the fact that the authority has not supplied all legible documents to the petitioner, which are annexed with the detention order, this petition is required to be allowed on the aforesaid ground that the petitioner is deprived of his right of making effective representation. It is the duty of the authority to give legible copies of the documents at the time of passing the detention order.

3) Under the aforesaid circumstances, the petition is allowed. The order of detention dated 20-7-2002 is quashed and set aside. The detenu, Amrutkumar @ Kumar Ashokbhai Taghalani (Sindhi) is ordered to be set at liberty forthwith, if he is not required in connection with any other case. Rule is made absolute.

(P.B.Majmudar, J.)
/malek